
From: GREG BROWN
Sent: 21/06/2022 9:09:39 AM
To: Council Northernbeaches Mailbox
Subject: OBJECTION LETTER DA2022/0869
Attachments: Residential blank letterhead.docx;

Please find the attached letter of objection.

Kind Regards,

A handwritten signature in dark ink, appearing to read 'Greg', is written over a light green rectangular background. Below the signature, the name 'GREG BROWN' is printed in a bold, black, sans-serif font.

Mob: [REDACTED]



PACIFIC WAVES RESIDENTIAL COMPLEX
STRATA PLAN 61139
 9-15 CENTRAL AVENUE MANLY 2095
OFFICE OF THE EXECUTIVE COMMITTEE CHAIR



Attn: Nick Keeler, Planner
 Northern Beaches Council
 1 Belgrave Street
 Manly, NSW 2095

OBJECTION: DA2022/0869

Lot 1 SP 69948 Shop 1/43-45 North Steyne MANLY

Description of works: Change of use to a food and drink premises, new interior fitout, mechanical ventilation exhaust and hours of operation

I write as Chair of Strata Plan 61139 which comprises 124 residential units in connection with this application which based upon the following submission should in our opinion be rejected out of hand.

This application contains many and is supported by reports prepared for different premises and which we believe have not been authorised for use in this application.

The two reports within the application are for Shop 2, 43-45 North Steyne (which is a separately titled property:

1. [Report – Acoustic](#): The Acoustic Report, Mr Steven Cooper, 11 November 2021
2. [Report – Kitchen Ventilation](#): Hugh Burns B.E. (Mech) UNSW, 23rd November 2021

Our understanding is that neither author/owner of each report have never given permission to use these reports, have never been engaged by Dingo Partners Pty Ltd and neither author or any person from these companies have ever visited this site. So, they simply cannot be held out as representative of the actual situation.

To summarise, these reports have been not been authorised for use to support this Development Application and have been used without consent. On these grounds alone, this entire application should be immediately rejected by Northern Beaches Council.

In addition to the unauthorised use of these two reports the application contains fundamental inaccuracies. Firstly the:

[Plan – Engineer Roof and Vent](#), is an out of date diagram which includes non-existent roof plant on the roof of 43-45 North Steyne. We believe that this is exactly the same roof plan that was submitted with DA2018/1106, equipment designed by Richard Duggan Pty Ltd which was rejected and refused approval by council 18/02/2020. All reasons for refusal related to this same mechanical equipment installation as per this new DA.

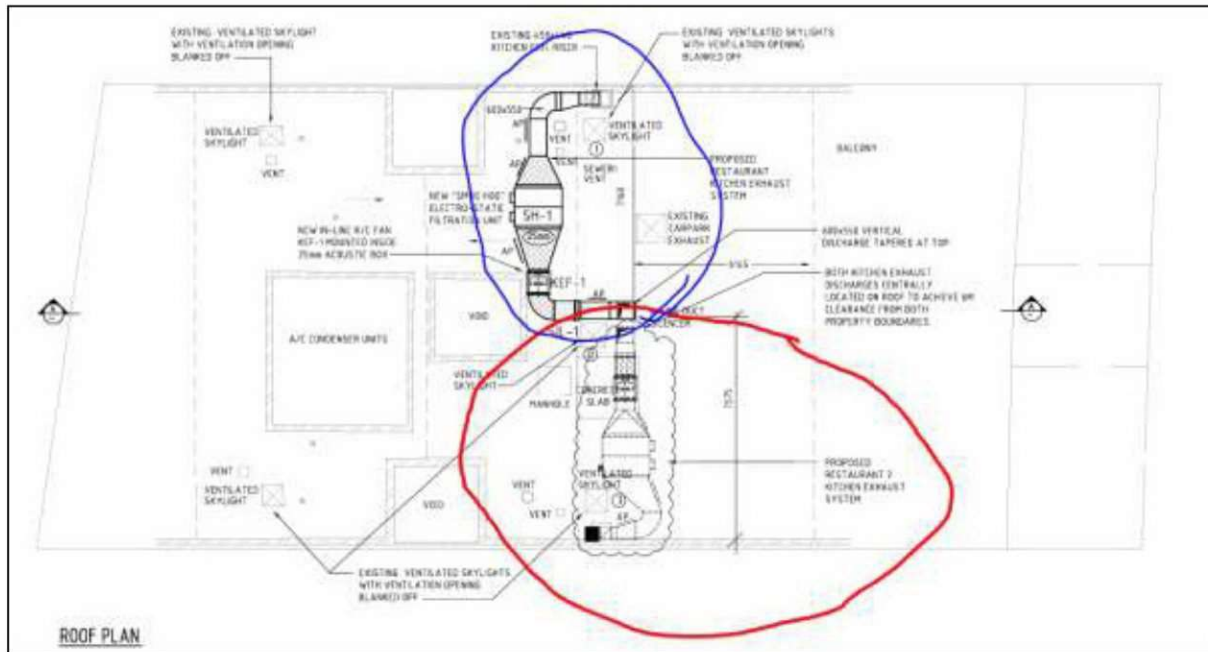
We note that the only difference in the diagrams between DA2018/1106 and this current DA is that they have omitted the following wording which pertained to a proposed exhaust system for Shop 2 “Proposed Restaurant 2 Kitchen Exhaust System”.



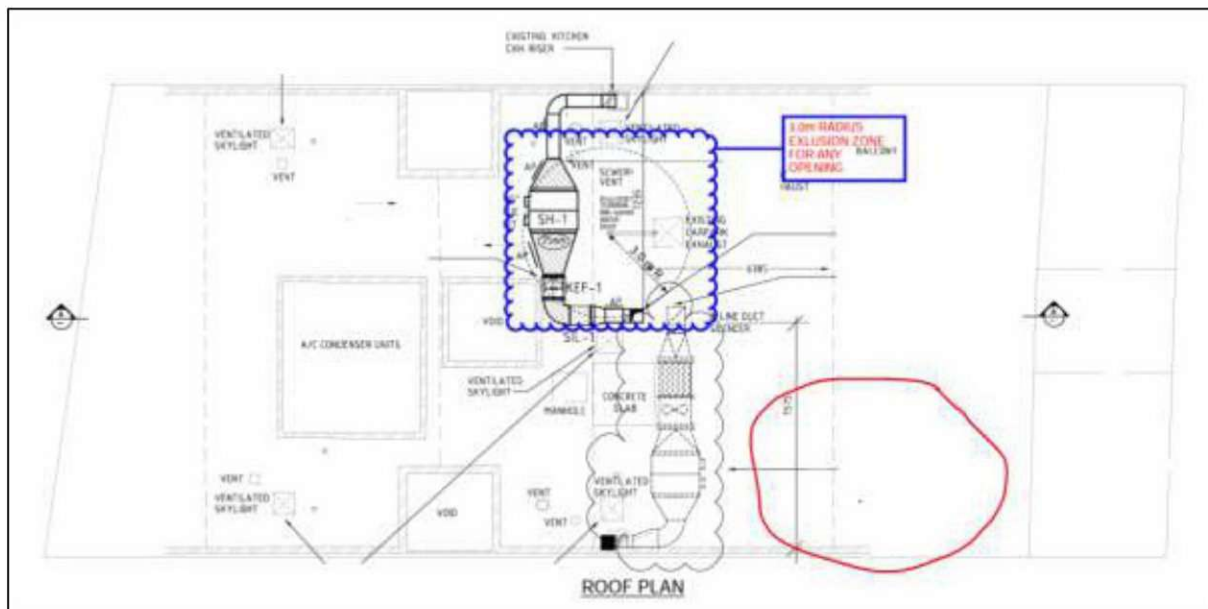
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Roof Plan from refused DA2018/1106: see the circled the Non-existent roof plant pertaining to Shop 2 in red and the refused roof plant for shop 1 in blue:



Roof Plan from NEW DA DA2002/0869: See the red circled area with the missing text for comparison



This is a completely out of date diagram showing Non-existent roof plant. These plans cannot be accurately assessed and should be rejected.

In addition to the rejection on the grounds of inaccuracies we must stress that council needs to be aware of the existing conditions pertaining to the rooftop of 43-45 North Steyne which date back to DA25/00, June 2000: Condition 3 of the consent states the following:



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‘No air-conditioning equipment ducts vents plant machinery or any other devices of any kind are to be erected above the roof of the building.’

Clearly, submitted plans breach the consent conditions in DA25/00, June 2000.

The inaccuracies in this DA submission continue further in their [Report – Statement of Environmental Effects](#) as follows:

1. The ‘Exhaust System’ section on page 4, the applicant refers to the ‘specification for the new kitchen ventilation system provided by Richard Duggan Pty Ltd Consulting Engineers’. They have referred to the kitchen ventilation system refused by council in DA2018/1106. They quote this refused system, yet have submitted an unauthorised report from Hugh Burns relating to an entirely different system which would see the plant and equipment pertaining to the exhaust be located whole in shop one and not on the roof at all (with exception to a small discharge flue)

2. Page 28 states the following:

“The ventilation unit is the exact same unit used in an adjacent tenancy without issue and council approved. It will not have adverse impact on the view corridors along North Steyne given the unit is sited centrally within the existing building envelope and is significantly setback from the front building edge of the building. The flue of the ventilation unit will be compatible with the building height planes of the neighbouring buildings fronting North Steyne. The operations of the premises as a food and drink premises with hours of operation from 7am – 10pm, Monday to Sunday will improve the street activation along North Steyne and will not give rise to any adverse environmental amenity impacts to the adjoining commercial tenancies and existing residential premises. In considering the above, Council consent should be granted to the proposed works.”

The system in shop 2 has NEVER been approved by council; the above quote is incorrect. Also, the system still has never been tested in a functioning restaurant, shop 2 has never opened for business since the ‘Hugh Burns’ system was installed

3. Page 27 states the following:

“The proposed change of use from a shop to a food and drink premises will not contribute to any significant noise generation from the subject premises or compromise the environmental amenity of the residential units above and the adjoining commercial tenancies. An acoustic report has been prepared by Stephen Cooper of the Acoustic Group as part of a ventilation system report being relied on by Hugh Burns for the adjacent tenancy, shop2 with the exact same ventilation system proposed for shop 1.”

Council cannot extrapolate Steven Cooper’s report for shop 2 and apply it to shop 1. Steven Cooper has never measured the external ambient noise levels for shop 2, he has never measured the size of the duct and possible noise caused by friction and vibration of noise rising in that duct as it passes through the residences above. He has also never measured the noise arising from the new plant and equipment wherever it may end up being located. Council therefore can only view Steven Cooper’s report as irrelevant to this DA. I mention again that Steven Cooper has never visited the subject premises.

4. In the Compliance Table – 3.4.2.3 Acoustical Privacy (Noise Nuisance) and 3.9.3 Noise from Mechanical Plant they quote that the acoustic report has been prepared by Acoustic Logic, this



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report was part of the refused DA2018/1106 which was found to be comprehensively inaccurate and incorrect. Note that the applicant of this new DA has used an unauthorised report from Steven Cooper at The Acoustic Group.

5. A final point of confusion, the Statement of Environment Effects is the following question: Who is the DA applicant? The applicant is referred to as Dingo Partners Pty Ltd, yet the Statement of Environmental Effects states that the applicant is C.G.M.B Co. Pty Ltd

Regrettably this application in its entirety can only mislead council and should be rejected. In fact on reflection we find it difficult to understand exactly what the applicant wants. For example are they proposing the installation of a giant ventilation system on rooftop that has been previously rejected. Alternatively, are they attempting to propose something else using unauthorised reports and designs.

Northern Beaches Council cannot rely on any submitted documentation or assurances that Dingo Partners Pty Ltd (or C.G.M.B Co. Pty Ltd) will follow any submitted designs or plans let alone build anything accurate and compliant to council consents and approvals.

It is imperative that a new 'clean' roof plan be submitted as part of the application. Council must not consider approving this DA with the current plans. We believe that, If by chance, this were to be approved and these incorrect roof plans reside within an approved DA, it would allow for more junk to be installed because they can deem it 'approved'.

Yours Truly,

Greg Brown Chair SP61139
 21/06/2022